

Appl. No. 09/441,987
Amdt. dated 8/21/03
Reply to Office Action of 5/23/03

REMARKS/ARGUMENTS

Claims 1-22 and 48-71 are pending in this application.

Independent claims 1, 7, 11 and 16 have been amended to recite that the tissue is a non-embossed basesheet. Support for this amendment can be found throughout the specification and examples. As used herein and within the tissue industry, a "basesheet" is a sheet produced on a tissue machine and wound onto the reel. The basesheet can be further modified, such as by calendering, embossing, slitting, folding, etc during converting operations which produce the final product commonly sold to consumers. As described in the specification and examples, the basesheets of this invention are not embossed, although they may be calendered to improve softness and reduce caliper.

Additionally, independent claims 1 and 63 have been amended to specify that the single sheet caliper is from about 0.02 to about 0.05 inch. Support for this amendment can be found in the specification at page 4, lines 26-28.

Also, new multiple dependent claims 70 and 71 have been added to recite additional structure imparted to the sheet by either the off-set seam or the CD dominant troughs in the papermaking fabric.

Turning now the grounds for rejection, claims 1-6 stand rejected under the doctrine of obviousness-type double patenting over U.S. 6,077,590 to Archer et al. However, Archer et al. does not disclose or suggest the high single sheet caliper of from about 0.02 to about 0.05 inch now set forth in amended independent claim 1. Therefore the subject matter of claims 1-6 is not obvious from the teachings of Archer et al. Although Archer et al. is silent on the caliper of the basesheets disclosed therein, it is highly unlikely that a wet-pressed, creped basesheet as disclosed by the method of Figure 1 and the examples of Archer et al. would exhibit a single sheet caliper in the range claimed by Applicants. Such high calipers are the result of using highly contoured throughdrying fabrics to produce the basesheet, which is not taught by Archer et al. Therefore claims 1-6 are patentably distinct from claims 1-19 of Archer et al. and are not obvious variants thereof.

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Claims 1-22 and 48-69 stand rejected under the doctrine of obviousness-type double patenting over Archer et al. in view of U.S. 5,672,248 to Wendt et al. First with regard to claims 1-22, neither Archer et al. and/or Wendt et al. suggest a roll of a non-embossed basesheet having Applicants' claimed properties. It must be noted that the teachings of Archer et al. are to steam/emboss a basesheet to modify its properties. (See col. 1, lines 28-32). Consequently, any roll properties disclosed by Archer et al. are not applicable to a non-embossed basesheet as now claimed in claims 1-22, which in effect would be the starting material for the process of Archer et al.

With regard to claims 48-69, which are directed towards rolls of uncreped throughdried tissues, it would not be obvious to steam and emboss (taught by Archer et al.) an uncreped throughdried basesheet (taught by Wendt et al.) because the process of Archer et al. is directed to "creped" basesheets. (See column 1, lines 28-32.) Thus it is not obvious from the teachings of Archer et al. that the same method would have any value when applied to an uncreped basesheet. In fact, since uncreped basesheets already have a bonded high bulk structure, it wouldn't make sense to steam the sheet and emboss it. Such a treatment would only serve to stiffen the sheet with no anticipated benefit. Therefore claims 48-69 are not obvious variants of claims 1-19 of Archer et al.

Claims 1-6 stand rejected under 35 U.S.C. 102(e) as being anticipated by Archer et al. However, as previously stated, Archer et al. does not disclose the high single sheet caliper of from about 0.02 to about 0.05 inch now set forth in amended independent claim 1. Therefore Archer et al. does not anticipate claims 1-6. Although Archer et al. is silent on the caliper of the basesheets disclosed therein, it is highly unlikely, and certainly not inherent, that a wet-pressed, creped basesheet as disclosed by the method of Figure 1 and the examples of Archer et al. would exhibit a single sheet caliper in the range claimed by Applicants. Such high calipers are the result of using highly contoured throughdrying fabrics to produce the basesheet and such fabrics are not taught by Archer et al.

Claims 7-22 and 63-69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wendt et al. in view of U.S. 5,693,403 to Brown et al. Wendt et al. teaches a method of making uncreped throughdried tissue basesheets. Brown et al. teaches a method of improving the pattern definition of spot-embossed tissue sheets by embossing a tissue basesheet between a rubber backing roll and an engraved steel roll having embossing elements of relatively low heights. The caliper of the basesheet is actually reduced during the embossing step. However, neither Wendt et al. nor Brown et al. teach basesheets having Applicants' claimed properties. It must be noted that the starting material for the embossing process of Brown et al. is a non-embossed basesheet,

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not the resulting product of Brown et al. (See the first two lines of Example 2 of Brown et al., where reference is made to starting with the basesheet of Example 1.) Hence the teachings of Brown et al. are not relevant to Applicants' claims 7-22, which claim a non-embossed tissue basesheet.

With regard to claims 63-69, which recite an uncreped throughdried tissue, it would not be obvious to utilize the embossing method taught by Brown et al. with the basesheets taught by Wendt et al. because the purpose of Wendt et al. is to produce a bulky sheet. In contrast, the method of Brown et al. reduces the caliper (bulk) of the sheet. As such, combining the two processes would be counter productive from the standpoint of Wendt et al. Furthermore, the amendment to Independent claim 63 specifies that the caliper of the sheet within the roll is from about 0.02 to about 0.05 inch, which is far above the resulting caliper taught by Brown et al., which is only about 0.0085 inch or less (see col. 2, line 63). Therefore the rolls of claims 63-69 are not obvious from the combination of Wendt et al. and Brown et al.

Claims 1-22 and 48-69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wendt et al. in view of Archer et al. It is asserted that it would be obvious to apply the steaming/embossing method of Archer et al to an uncreped throughdried basesheet made in accordance with Wendt et al. to produce a roll of tissue having the claimed properties. First with regard to claims 1-22, neither Archer et al. and/or Wendt et al. suggest a roll of a non-embossed basesheet having Applicants' claimed properties. It must be noted that the teachings of Archer et al. are to steam/emboss a basesheet to modify its properties. (See col. 1, lines 28-32). Consequently, any roll properties disclosed by Archer et al. are not applicable to a non-embossed basesheet as now claimed in claims 1-22, which in effect is the starting material for the process of Archer et al. Therefore claims 1-22 are not obvious from the teachings of Wendt et al. and Archer et al.

With regard to claims 48-69, which are directed towards rolls of uncreped throughdried tissues, it would not be obvious to steam and emboss (taught by Archer et al.) an uncreped throughdried basesheet (taught by Wendt et al.) because the process of Archer et al. is directed to "creped" basesheets. (See column 1, lines 28-32.) Thus it is not obvious from the teachings of Archer et al. that the same method would have any value when applied to an uncreped basesheet. In fact, since uncreped basesheets already have a highly bonded, high bulk structure, one of ordinary skill in the art would not have any motivation to steam the sheet and emboss it. Such a treatment would only serve to stiffen the sheet with no anticipated benefit. Therefore claims 48-69 are not obvious in view of the teachings of Wendt et al. and Archer et al.

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For all of the foregoing reasons, it is believed that all of the claims in this application are allowable and such action is earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc.
deposit account number 11-0875.

The undersigned may be reached at: (920) 721-3616.

Respectfully submitted,

MARK ALAN BURAZIN ET AL.

By: 

Gregory E. Croft

Registration No.: 27,542

Attorney for Applicant(s)

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I, Judy Garot, hereby certify that on August 21, 2003 this document is being transmitted via facsimile to the United States Patent and Trademark Office, Alexandria, VA.

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